



# **TOWN OF WESTBROOK**

## **CONSERVATION COMMISSION**

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### **ENVIRONMENT COMMITTEE HEARING**

**Monday, January 31, 2011**

**Raised Bill No. 831**

#### **AN ACT CONCERNING MUNICIPAL LIABILITY FOR RECREATIONAL ACTIVITIES ON CERTAIN OPEN SPACE LANDS.**

The Westbrook Conservation Commission strongly supports Raised Bill No. 831 as a means of restoring liability protection for Westbrook and other municipalities that have invested in open space acquisition for preservation and protection of natural resources and community recreation.

With State of Connecticut encouragement (e.g. the State policy of preserving 21% of the state's land as open space) and assistance (e.g. CT DEP's Open Space and Watershed Land Acquisition Matching Grant Program), the Town of Westbrook has acquired over 170 acres of open space land that is being managed for protection water resources and passive community recreation (hiking, non-motorized biking and horseback riding). A primary reason for resident support for acquisition of open space is the availability of forests and fields for outdoor recreation.

Now, with the settlement of the MDC liability law suit, we are concerned that public access to the trails and vistas of Westbrook's open space will need to be restricted. Passage of Raised Bill No. 831 would eliminate the need for such restriction and support the state's "21%" open space policy by providing municipalities with the liability protection afforded state and private landowners.

Statewide many municipally owned open space lands are adjacent to, or are planned to be connected to, state or private (e.g., land trust) open space land that are protected against recreational accidents. For example, Westbrook's planned Menunketesuck River Greenway will connect to Cockaponset State Forest trails greatly increasing the recreation investment value of adjacent town owned open space. This on-going project will be threatened or stopped if the town is not protected from recreational liability. Access to town owned open space from adjacent state or private property will be restricted (think STOP sign) and town residents will be reluctant to support further open space acquisition unless the town is protected from potential exposure to costly personal injury lawsuits.

Towns should not have to have liability for recreational accidents on open space land as long as they do not charge a fee for use.

#### **The Westbrook Conservation Commission urges the Environment Committee to support Raised Bill 831**

The Westbrook Conservation Commission, established, pursuant to CT General Statutes Sec. 7-131a, by Town Meeting July 18, 1966, is a research and advisory commission for other municipal land use boards and the community. The Commission is responsible for identifying, prioritizing and recommending lands for open space acquisition, and for developing appropriate standards and limitations for use of parcels acquired to assure their continued use as Open Space. For further information please contact Tom O'Dell, Chairman, at 860-399-1807; [todell@snet.net](mailto:todell@snet.net).